

FILE NO. A33428-PCT-USA-A - 070338.0598

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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11/19/13

Applicant : Morel  
Serial No. : 09/641,417 Examiner : J. Fischer  
Filed : August 16, 2000 Group Art Unit: 1733  
For : JUNCTION OF A TREAD WITH THE SIDEWALLS OF A TIRE

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Noël Morel, a citizen of France residing at 4 Impasse Pedoux, F-63530 Enval,

France, state as follows:

1. I am the inventor in the above-identified application and am familiar with the subject matter disclosed and claimed therein.
2. Appended hereto as Exhibit 1 are photoprints identified as Figures 1 and 2. Figure 1 is a print of a photograph of a tire (FA011) constructed in accordance with claim 1 of the application, following a first running test of the tire in ozone-containing conditions over a distance of 6,000 km and a second running test, subsequent to the first test, in normal air conditions over 60,000 km. As indicated by the arrow in Figure 1, the junction between the rubber mix of the tread and the rubber mix of the adjacent sidewall appears as a substantially circular trace on the axially outer wall of the tire. Upon information and belief, the radius of the trace was within the limits for  $R_c$  recited in claim 1. As is clearly seen from Figure 1, the tire did not include a joint cover over the junction between the tread mix and the sidewall mix.

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3. Appended hereto as Figure 2 is a print of a photograph of a 1998 prior art tire (04947) constructed in accordance with the description set out in the Background of the Invention section of the above-identified application beginning at page 2, line 12 and extending to page 3, line 4, following a running test of 6,000 km in the same ozone-containing conditions as the first test of the tire of Figure 1. Tire 04947 was not subjected to the second test to which tire FA011 was subjected. Upon information and belief, the trace of the juncture between the rubber mix of the tread and the rubber mix of the adjacent sidewall of tire 04947 (i) was not within the limits of  $R_c$  recited in claim 1 and (ii) was covered by a joint cover as indicated by the arrow in Figure 2 and as described in the aforementioned portion of the above-identified application.

4. Upon comparison of the test results for the inventive tire of Figure 1 with the test results for the 1998 prior art tire of Figure 2, I concluded that the results for both tires are similar and sufficient for intensive, severe highway use. A very small circular fissure was noted on the tire of Figure 1, but this did not detract from its suitability for intensive, severe highway use. Also, the tire of Figure 1 was tested under more severe test conditions, i.e., the second test of 60,000 km described in paragraph 2 hereof, than was the tire of Figure 2.

5. Appended hereto as Exhibit 2 is a copy of United States Patent No. 5,386,863 to Hashimura et al. ("the 863 patent"). Upon information and belief, the Examiner in charge of the above-identified application has rejected certain claims of the application as being unpatentable over the '863 patent (alone or in combination with other prior art) on the basis that the dashed line shown in Figure 1 of the patent represents the junction between the tread and the sidewalls of the tire.

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6. I have studied the '863 patent specification and drawings and do not find therein any specific disclosure that the dashed line of Figure 1 represents the junction between the tread and the sidewalls of the tire. The teaching of the '863 patent pertains to the structure of the sidewalls *per se*, and is not concerned with and does not mention the junction between the sidewalls and the tread. One skilled in the art, therefore, would not understand the dashed line of Figure 1 of the '863 patent as teaching a desirable location for the tread-sidewall junction. For example, one skilled in the art could reasonably understand the dashed line to represent the location of the bottom of the transverse grooves in the tread.

7. The '863 patent also lacks any disclosure of how the tread mix is joined to the two sidewall mixes. Insofar as the '863 patent discloses, the tread could be joined to the sidewalls according to the first method described at page 2, lines 4-11 of the above-identified application, in which the radially upper edges of the sidewall mixes are folded over the axially outer edges of the tread mix. This method is not applicable to the claimed invention of the present application.

8. The '863 patent additionally lacks any disclosure of whether or not a joint cover is present to cover the junction between the tread mix and the respective sidewall mixes of the tire of Figure 1. In the absence of a specific disclosure that the joint cover should be eliminated, one skilled in the art would normally conclude that a joint cover would be present, especially if the second method described at page 2, lines 12-20 of the application is used to join the tread mix to the sidewall mixes. Heretofore, the prior art has not eliminated the need for a joint cover in a vehicle tire where such second method of joining is used and the tire is suitable for intensive, severe highway use.

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9. Appended hereto as Exhibit 3 is a copy of United States Patent No. 3,825,052 to Matsuyama et al. ("the '052 patent"). Upon information and belief, the Examiner in charge of the above-identified application has rejected certain claims of the application as being unpatentable over the '052 patent (in combination with other prior art) on the basis that Figure 3 thereof discloses a tire in which "a single mix of tread [is laid] over the radially outer edges of the sidewall rubber mix to form a circular junction." I have studied the '052 patent specification and drawings and have concluded that one skilled in the art would not understand the patent to disclose that the sidewall 5 and the projection 6 are formed of a single rubber mix. Although the sidewall 5 and the projection 6 are shown and described in the '052 patent as being integral, that does not mean that they are formed of a single rubber mix. It is noted that the uniform cross hatching of Figure 3 includes the bead region as well as the sidewall 5 and the projection 6, and it is well known in the art that the bead region of a tire typically comprises different rubber mixes than the sidewall mix. One skilled in the art, therefore, would not understand the '052 patent as disclosing a junction between a single mix of tread and a single mix of sidewall.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 06, 2003  
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Noël Morel